



General Assembly

February Session, 2004

***Raised Bill No. 55***

LCO No. 209

\*00209\_\_\_\_\_LAB\*

Referred to Committee on Labor and Public Employees

Introduced by:  
(LAB)

***AN ACT CONCERNING EMPLOYERS' LIABILITY UNDER THE  
WORKERS' COMPENSATION ACT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2004*) (a) Notwithstanding the  
2       provisions of subsection (a) of section 31-284 of the general statutes, in  
3       addition to any compensation awarded under chapter 568 of the  
4       general statutes, a dependent or dependents, or the legal  
5       representative of the deceased employee may bring an action in the  
6       superior court alleging gross negligence against the decedent's  
7       employer for damages resulting from the death, provided the death  
8       resulted from a personal injury arising out of and in the course of the  
9       decedent's employment.

10       (b) In any action brought under this section, the fact that the  
11       employer repeatedly violated the provisions of the Occupational  
12       Safety and Health Act of 1970, as from time to time amended, or  
13       chapter 571 of the general statutes, or both, or the regulations adopted  
14       under said act or said chapter 571, shall be prima facie evidence of  
15       gross negligence on the part of the employer.

16 (c) In any action brought under this section, the fact that the  
17 employer's conduct showed a wanton and reckless disregard for the  
18 rights of the employee shall constitute gross negligence per se.

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|--|------------------------|
| This act shall take effect as follows: |                        |
| Section 1                              | <i>October 1, 2004</i> |

***Statement of Purpose:***

To subject employers to liability for negligence for employee deaths that arise out of and in the course of employment.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*